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KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (G) Department

NOTIFICATION

No. 4006-G2/75/Law. *Dated, Trivandrum, 13th March 1975/ 22nd Phalguna, 1896 SE.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 13th day of March, 1975.

By order of the Governor,

M. SEKHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1975.

ACT 2 OF 1975

THE KERALA APPROPRIATION ACT, 1975

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1974-75.

Preamble.—WHEREAS it is necessary to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1974-75;

BE it enacted in the Twenty-sixth Year of the Republic of India as follows:

1. *Short title.*—This Act may be called the Kerala Appropriation Act, 1975.

2. *Issue of Rs.* 46,21,69,800 *from and out of the Consolidated Fund of the State of Kerala for the financial year* 1974-75.—From and out of the Consolidated Fund of the State of Kerala, there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of forty-six crores, twenty-one lakhs, sixty-nine thousand and eight hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1974-75, in respect of the services and purposes specified in column (2) of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Kerala by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

(1)	(2)	(3)		
		Sums not exceeding		
Demand No.	*Services and purposes*	*Voted by the Legislative Assembly*	*Charged on the Consolidated Fund*	*Total*
I	State Legislature	5,00,000	7,500	5,07,500
II	Heads of States, Ministers and Headquarters Staff	18,45,400	10,77,100	29,22,500
III	Administration of Justice	73,50,000	1,99,600	75,49,600
IV	Elections	8,05,000	..	8,05,000
V	Agricultural Income Tax and Sales Tax	31,22,000	..	31,22,000
VI	Land Revenue	1,12,46,100	..	1,12,46,100
VII	Stamps and Registration fees	24,21,200	..	24,21,200
VIII	Excise	15,64,600		15,64,600
IX	Treasury and Accounts	19,97,100		19,97,100
XI	District Administration and Miscellaneous	39,83,300	1,200	39,84,500
XII	Police	2,48,00,800	500	2,48,01,300
XIII	Jails	26,10,000	..	26,10,000
XIV	Stationery and Printing and other administrative services	23,15,400	..	23,15,400
XV	Public Works	34,05,000	60,700	34,65,700
XVI	Pensions and Miscellaneous	1,22,28,000	85,700	1,23,13,700
XVII	Education, Art and Culture	16,40,00,300	14,900	16,40,15,200
XVIII	Medical	85,00,100	..	85,00,100

(1)	(2)		(3)	
XX	Public Health	2,83,35,000	..	2,83,35,000
XXI	Housing	1,50,17,000	1,89,400	1,52,06,400
XXII	Urban Development	16,83,800	..	16,83,800
XXIII	Information and Publicity	1,20,000	..	1,20,000
XXIV	Labour and Employment	35,82,200	..	35,82,200
XXV	Social Welfare including Harijan Welfare	1,42,80,800	13,000	1,42,93,800
XXVI	Famine	9,50,000	..	9,50,000
XXVII	Co-operation	38,54,300	..	38,54,300
XXVIII	Miscellaneous Economic Services	100	..	100
XXIX	Agriculture	2,10,30,100	3,75,400	2,14,05,500
XXXI	Animal Husbandry	10,54,700	11,100	10,65,800
XXXII	Dairy	29,74,000	..	29,74,000
XXXIII	Fisheries	70,77,100	40,300	71,17,400
XXXIV	Forest	29,74,800	..	29,74,800
XXXVI	Industries	900	82,600	83,500
XXXVII	Irrigation	56,68,900	6,55,900	63,24,800
XXXVIII	Power	8,42,09,000	..	8,42,09,000
XXXIX	Ports	34,84,400	..	34,84,400
XL	Transport	93,02,500	..	93,02,500
XLI	Tourism	10,60,900	..	10,60,900
XLIV	Miscellaneous Loans and Advances	100	..	100
	Total ..	45,93,54,900	28,14,900	46,21,69,800

CHAPTER V

Statutes, Ordinances, Regulations, Rules and Bye-laws

34. *The Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the powers and duties of the officers of the University, not specifically provided for in this Act;

(b) the constitution, powers and duties of the authorities of the University, not specifically provided for in this Act;

(c) the procedure for election of members of the Senate, the Syndicate, the Academic Council and other authorities of the University and all such other matters relating to these bodies, as may be necessary or desirable to provide;

(d) award of degrees, diplomas, titles, certificates and other academic distinctions by the University;

(e) the withdrawal or cancellation of degrees, diplomas, titles, certificates and other academic distinctions;

(f) the maintenance of a register of registered graduates;

(g) the holding of convocations to confer degrees;

(h) the conditions and procedure for affiliation of colleges;

(i) conferment of honorary degrees;

(j) the maintenance of the accounts and the preparation and passing of the annual budget of the University;

(k) all other matters which by this Act are to be, or may be, prescribed by Statutes.

35. *Procedure for making Statutes.*—(1) The Senate may of its own motion take into consideration the draft of a Statute:

Provided that, in any such case, before a Statute is passed, the Senate shall obtain and consider the opinion of the Syndicate.

(2) The Syndicate may propose to the Senate the draft of any Statute for consideration and such draft shall be considered by the Senate at its next meeting.

(3) The Senate may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate for reconsideration, either in whole or in part, together with amendments which the Senate may suggest.

(4) After any draft returned by the Senate under sub-section (3) has been further considered by the Syndicate, together with any amendment suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon, and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statute has been passed by the Senate, it shall be submitted to the Chancellor who may refer the Statute back to the Senate for further consideration or assent thereto or withhold his assent.

(6) No Statute passed by the Senate shall be valid or come into force until assented to by the Chancellor.

(7) The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Senate.

(8) No Statute providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the Senate without the previous approval of the Government.

36. *Ordinances.*—Subject to the provisions of this Act and the Statutes, the Syndicate shall have power to make Ordinances providing for all or any of the following matters, namely:—

(a) the levy of fees in colleges and other institutions, by the University;

(b) the residence and discipline of students;

(c) the work load and pattern of teaching staff in colleges;

(d) the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University; and

(e) all other matters which by this Act or the Statutes are to be, or may be, provided for by the Ordinances.

37. *Procedure for making Ordinances.*—(1) All Ordinances made under this Act shall have effect from such date as the Syndicate may direct but every Ordinance so made and the repeal of any Ordinance shall be laid before the Senate during its next succeeding meeting.

(2) If any Ordinance or repeal of an Ordinance is not laid before the Senate as required by sub-section (1), the Ordinance shall lapse or, as the case may be, the Ordinance repealed shall revive, after the next succeeding meeting of the Senate.

(3) Subject to the provisions of sub-sections (1) and (2), the procedure to be followed in making, amending or repealing Ordinances shall be prescribed by the Statutes.

(4) No Ordinance involving expenditure shall be valid or come into force until assented to by the Chancellor.

38. *Regulations.*—Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council may make Regulations providing for all or any of the following matters, namely:—

(a) the courses of studies and the conduct of examinations;

(b) the admission of students to the various courses of study and to the examinations;

(c) the qualifications of teachers;

(d) the appointment and prescription of duties of the Boards of Studies and examiners;

(e) recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and

(f) all other matters which under the provisions of this Act, the Statutes and the Ordinances are to be, or may be, prescribed by Regulations.

39. *Procedure for making Regulations.*—(1) All Regulations made under this Act shall have effect from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Senate during its next succeeding meeting.

(2) Subject to the provisions of sub-section (1), the procedure to be followed in making, amending or repealing Regulations shall be prescribed by the Statutes.

40. *Rules, bye-laws and orders.*—(1) The Syndicate shall have power to make rules, bye-laws and orders not inconsistent with the provisions of this Act the Statutes, the Ordinances and the Regulations, for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this Act or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meetings of any authority of the University other than the Senate.

(2) All such rules, bye-laws and orders shall have effect from such date as the Syndicate may direct; but every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting.

(3) The Senate shall have power to cancel or modify any such rule, bye-law or order.

41. *Publication in the Gazette.*—All Statutes, Ordinances and Regulations made under this Act shall be published in the Gazette.

CHAPTER VI

Election to the Senate, the Syndicate and the other bodies of the University, filling up of vacancies and resignation, removal, etc., of Members of Authorities and Bodies

42. *Election of members to the Senate, Syndicate and other bodies of the University.*—The election of members to the Senate, the Syndicate and other bodies of the University shall be held in accordance with the system of proportional representation by means of the single transferable vote and in accordance with the procedure prescribed by the Statutes, and the voting at such election shall be by secret ballot.

43. *Filling up of vacancies.*—(1) All vacancies among the members (other than *ex-officio* members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, as soon as may be, by the person or authority who or which appointed, elected or nominated the member whose place has become vacant.

(2) Any person appointed, elected or nominated under sub-section (1) shall hold office as member so long only as the member in whose place he is appointed, elected or nominated, as the case may be, would have been entitled to hold office if the vacancy had not occurred.

44. *Resignation or removal of members of any authority or body.*—(1) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

(2) The Senate may, on the recommendation of not less than two-thirds of the number of members of the Syndicate, remove the name of any person convicted by a court of law of any offence involving moral delinquency or punished by the University for malpractice connected with any University examination from the register of registered graduates or remove any such person from membership of any authority or body of the University and for the same reason may withdraw any degree or diploma conferred on or granted by the University.

(3) The Senate may also remove any person from the membership of any authority or body of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated an insolvent.

(4) If an elected member of any authority or body of the University fails to attend three consecutive meetings of that authority or body, he shall cease to be a member of such authority or body and thereupon the Registrar shall intimate him that he has ceased to be such member:

Provided that such authority or body may, if satisfied that there was sufficient cause for the failure of the member to attend the meetings, restore him to its membership.

CHAPTER VII

Finance

45. *University Fund.*—(1) All grants and loans received from the State Government, the Government of India, the University Grants Commission and from any other source, all revenues of the University, all fees received, all incomes such as rent and profits derived from properties and funds vested in the University, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall form one consolidated fund styled "The Calicut University Fund" and shall be employed for the purposes and in the manner laid down in this Act and in the Statutes, Ordinances, rules, bye-laws and orders made thereunder:

Provided that separate accounts may be maintained for specific purposes.

(2) All moneys in the Calicut University Fund shall be lodged in the Government Treasury or with the approval of the Government in the State Bank of India or its subsidiaries up to such limits as may be fixed by the Government.

(3) The University may invest such part of the moneys in the Calicut University Fund, as it may deem fit, in Government securities or securities guaranteed by the Government of India.

(4) The custody of the Calicut University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, rules and bye-laws made in that behalf.

46. *Grants from Government.*—(1) The University shall receive as grants for its maintenance such sums subject to such conditions as may be fixed by the Government from time to time.

(2) The Government may pay to the University such other grants, subject to such conditions as they think fit, for specific purposes.

47. *Annual estimates of income and expenditure.*—(1) The Syndicate shall prepare the financial estimates of the income and expenditure of the University for the next ensuing year before such date as may be prescribed by the Statutes, and forward the same together with a memorandum conveying explanatory notes thereon to the Senate for consideration.

(2) The Senate shall consider the financial estimates at its annual meeting and shall approve it, either without alterations or with such alterations as it may think fit.

48. *Annual Accounts.*—(1) The annual accounts of the University shall be prepared under the directions of the Syndicate and shall be submitted to the Government for audit.

(2) The annual accounts together with the audit report thereon shall be published by the Syndicate and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.

(3) The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

49. *Annual report.*—(1) The annual report of the University shall be prepared under the direction of the Syndicate and shall be presented to the Senate for its review on or before such date as may be prescribed by the Statutes.

(2) The Senate may pass resolutions on the annual report and communicate the resolutions to the Syndicate.

(3) The Syndicate shall inform the Senate of the action taken by it on the resolutions passed by the Senate under sub-section (2) and shall submit a copy of the annual report together with a copy of the resolutions, if any, of the Senate under sub-section (2) to the Government.

(4) The Government shall, as soon as the annual accounts and annual report are received, cause the same to be laid on the table of the State Legislative Assembly.

50. *Audit of accounts of the University.*—(1) The Government shall appoint auditors of the accounts of the University and the institutions under the management of the University.

(2) The auditors shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management of the University.

(3) The University shall bear the cost of the audit as fixed by the Government.

(4) After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.

(5) The auditors shall specify in the report under sub-section (4) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the University or of any loss or waste of money

or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(6) The auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(7) The University shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the Government.

CHAPTER VIII

Private Colleges and Affiliation of Colleges

51. *Definitions.*—In this Chapter,—

(a) "corporate management" means an educational agency which manages more than one private college;

(b) "unitary management" means an educational agency which manages a private college.

52. *Governing body for private college under unitary management.*—(1) An unitary management shall constitute in accordance with the provisions of the Statutes a governing body consisting of the following members, namely:—

(a) the principal of the private college;

(b) the manager of the private college;

(c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of the private college from among themselves;

(f) the Chairman of the College Union;

(g) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of the private college from among themselves; and

(h) not more than six persons nominated by the unitary management.

(2) The manager of the private college shall be the chairman of the governing body.

(3) It shall be the duty of the governing body to advise the unitary management in all matters relating to the administration of the private college

in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

(4) The decisions of the governing body shall be taken at meetings on the basis of simple majority of the members present and voting.

53. *Managing council for private Colleges under corporate Management.*—(1) A corporate management shall constitute a managing council for all the private colleges under its management, consisting of the following members, namely:—

(a) one principal by rotation in such manner as may be prescribed by the Statutes;

(b) the manager of the private colleges;

(c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) two persons elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of all the private colleges, from among themselves;

(f) a person elected by the Chairmen of the College Unions of all the private colleges, from among themselves;

(g) one person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of all the private colleges from among themselves; and

(h) not more than fifteen persons nominated by the corporate management.

(2) The manager of the private colleges shall be the chairman of the managing council.

(3) It shall be the duty of the managing council to advise the corporate management in all matters relating to the administration of the private colleges, in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

(4) The decisions of the managing council shall be taken at meetings on the basis of simple majority of the members present and voting.

54. *Appointment of manager.*—(1) An unitary management or corporate management shall appoint a manager for the private college or for all the private colleges, as the case may be, under its management within the University area.

(2) The appointment or removal of the manager shall be intimated to the University by the unitary management or the corporate management, as the case may be.

(3) It shall be the duty of the manager to give effect to the decisions of the unitary management or the corporate management, as the case may be.

(4) The manager shall exercise such powers and discharge such duties as may be delegated to him by the unitary management or the corporate management, as the case may be.

(5) Suits by or against a private college shall be instituted by or against the manager thereof.

(6) If the manager of a private college is guilty of mismanagement, malpractice, corruption or maladministration, gross negligence of duty or disobedience of instructions issued by the Government or the University or is convicted for an offence involving moral turpitude, the Vice-Chancellor may, after giving the manager a reasonable opportunity to show cause against the action proposed to be taken against him and after due enquiry, declare him unfit to hold the office of manager and require the unitary management or the corporate management, as the case may be, to appoint a suitable person as manager.

(7) Failure on the part of the manager or the management to obey the instructions issued by the University or the Government in regard to matters relating to the administration of the private college and the continuance in office of a person declared unfit under sub-section (6) shall be deemed to be sufficient cause for taking steps for the withdrawal of the aid, grant or affiliation of the private college.

55. *Acts or proceedings of governing body or managing council not to be invalidated.*—No act or proceeding of a governing body or managing council shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the governing body or managing council; or

(b) any defect in the appointment of a person acting as a member of the governing body or managing council; or

(c) any irregularity in the procedure of the governing body or managing council not affecting the merits of the case.

56. *Affiliation of colleges.*—(1) An application for affiliation to the University of any college shall be sent by the educational agency to the Registrar within such time and in such manner as may be prescribed by the Statutes.

(2) The terms and conditions of affiliation of a college and the procedure to be followed by the Syndicate in granting such affiliation shall be prescribed by the Statutes.

(3) Without prejudice to the generality of the provisions of sub-section (2) such Statutes may provide for the pattern of staff, scales of pay and terms

[illegible] qualifications [illegible] of [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] of teachers [illegible] private colleges.—(1) Appointments to the [illegible] grade of [illegible] [illegible] department of a private college shall be made by the educational agency by direct recruitment on the basis of merit.

(2) Appointments of principals shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, or by direct recruitment.

(3) Where the appointment of principal is made by promotion, the educational agency shall make the appointment on the basis of seniority-cum-fitness.

(4) Appointments to the posts other than those referred to in sub-sections (1) and (2) shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, on the basis of seniority-cum-fitness, or if none among them is fit for promotion, by direct recruitment.

(5) For making appointments under this section by direct recruitment the [illegible] shall be advertised in such manner as may be prescribed by the Statutes.

(6) Notwithstanding anything contained in sub-sections (1) and (4), a teacher discharged from a private college on or after the [illegible] day of March, 197[illegible], due to abolition of a course of study in that college or for any other reason except disciplinary action against him shall be given preference in the matter of future appointments in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area.

(7) The educational agency shall not abolish a course of study in a private college without the prior approval of the University.

(8) Every appointment under this section shall be made by a written order of the manager in such form as may be prescribed by the Statutes, communicated to the person to be appointed, with copy to the University.

(9) Every appointment under this section shall be reported to the University for approval.

(10) Any person aggrieved by any appointment under this section may appeal to the Appellate Tribunal.

58. *Qualifications of teachers*.—(1) Teachers of colleges shall possess such qualifications as may be prescribed by the Regulations.

(2) Notwithstanding anything contained in any law or in any judgment, decree or order of any court or other authority, any decision or order exempting any teacher from possessing the prescribed qualifications or approving the appointment of any teacher who did not possess the prescribed qualifications

or allowing any teacher who did not possess the prescribed qualifications to continue in service, made by any authority or officer before the commencement of this Act shall be deemed to have been made by the authority competent to make such decision or order under this Act as if this Act had been in force at the time when such decision or order was made, and accordingly all such decisions and orders shall be, and shall be deemed always to have been, valid and in accordance with law.

58. *Probation.*—(1) Teachers of private colleges shall be on probation for a period of one year within a period of two years:

Provided that in exceptional cases, the period of probation may be extended by a period not exceeding one year, subject to the prior approval of the Syndicate.

Explanation.—Probation undergone by a teacher before the commencement of this Act shall be deemed to be probation for the purposes of this sub-section, provided such probation is within a period of two years immediately before such commencement.

(2) Notwithstanding anything contained in any contract or other document, any teacher working in a substantive vacancy at or after the commencement of this Act shall be deemed to be on probation for the purposes of sub-section (1).

(3) The educational agency may, at any time before the prescribed period of probation, terminate the probation of the probationer for want of vacancy and discharge him from service if he was appointed by direct recruitment or revert him to his original appointment if the appointment to the new post was by transfer or promotion.

(4) Any probationer discharged or reverted under sub-section (3) shall be given preference in the matter of future appointments to the same post.

(5) On satisfactory completion of probation, the educational agency shall confirm the teacher in the post and if the vacancy is not a substantive vacancy, the teacher shall be allowed to continue in the post for the duration of the vacancy.

(6) If, on the expiry of the prescribed period of probation, the educational agency decides that the teacher is not suitable for continuance in the post in which he is appointed, it shall discharge him from service or revert him to his original appointment, as the case may be, after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(7) Where the post held by the probationer is substantively vacant and before the expiry of one month from the prescribed period of probation he is not confirmed under sub-section (5) or is not discharged or reverted under sub-section (6), he shall be deemed to have been confirmed in that post.

[illegible] Tribunal [illegible] appeal [illegible] Appellate Tribunal and [illegible]

[illegible] conditions [illegible]

[illegible] in the [illegible] form [illegible] Tribunal [illegible]

[illegible]

[illegible] within such further period [illegible] against the parties concerned.

[illegible] of the Vice-Chancellor under [illegible] within a period of thirty days from the date of receipt of [illegible] to the Appellate Tribunal.

[illegible] without giving [illegible] against the action proposed to [illegible]

[illegible] commencement [illegible] against him may, [illegible] from the date on which a copy of such order is served on him [illegible] the Appellate Tribunal has been constituted under [illegible] later, appeal to the Appellate Tribunal and the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass [illegible] as it may deem fit, including an order of reinstatement of [illegible] concerned.

[illegible] the Appellate Tribunal may admit an appeal preferred after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(7) [illegible] passed by the Appellate Tribunal under sub-section (5) [illegible] Subordinate Judge's Court having jurisdiction

[illegible] by that court.

(9) Any person who objects to an order passed by the Appellate Tribunal under sub-section (7) may, within sixty days from the date [illegible] of that order is served on him, prefer a petition [illegible] if the value of the property [illegible] High Court [illegible] Appellate Tribunal has either decided erroneously, or [illegible], any question of law.

(10) The provisions of section [illegible] of the Limitation Act, 1963 (Central Act 36 of 1963), shall be applicable to any proceedings under sub-section (9).

(11) The High Court shall after giving the parties an opportunity of being heard, pass such order [illegible] as it deems fit.

(12) Where the High Court passes any order under sub-section (11), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

31. *Certain disputes relating to service conditions of teachers.*—Notwithstanding anything contained in any law for the time being in force or in any contract, or in any judgment, decree or order of any court or other authority,—

(a) any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher pending at the commencement of this Act shall be decided [illegible] in accordance with the provisions of this Act and the Statutes made thereunder;

(b) any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher, which has arisen after the [illegible] day of August, [illegible], and has been disposed of before the commencement of this Act shall, if the management or the teacher applies to the Appellate Tribunal [illegible] within a period of thirty days from such commencement, be reopened and decided [illegible] in accordance with the provisions of this Act and the Statutes made thereunder as if it had not been finally disposed of.

32. *Membership of local authorities, etc.*—(1) A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as a member of a local authority or of the Legislative Assembly of the State or of Parliament.

(2) A teacher elected or nominated as a member of the Legislative Assembly of the State or of Parliament shall be deemed to be on leave [illegible] during his membership of the Legislative Assembly or of Parliament [illegible] without salary and allowances.

(3) A teacher referred to in sub-section (2) shall also be entitled to count the period of his membership of the Legislative Assembly or of Parliament for the purpose of pension, seniority and increments.

63. *Non-teaching staff of private colleges.*—The provisions of this Chapter shall, so far as may be, apply to the non-teaching staff of the private colleges. Subject to this, their method of appointment, pay and other conditions of service shall be such as may be prescribed by the Statutes.

64. *Transfer of teachers to other Universities.*—(1) Where an educational agency has colleges under the jurisdiction of the Calicut University and also under the jurisdiction of the Kerala University, the educational agency shall, within three months of the commencement of this Act or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which he opts to remain and the teachers shall be allotted to each University area in accordance with such option:

Provided that where the number of teachers who have opted to work under the jurisdiction of the Calicut University or the Kerala University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to the Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University area under this section, he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

65. *Constitution of Appellate Tribunal.*—(1) The Government shall constitute an Appellate Tribunal for the purposes of this Act.

(2) The Appellate Tribunal shall be a judicial officer not below the rank of a District Judge nominated by the Chancellor in consultation with the High Court.

(3) The term of office of the Appellate Tribunal shall be three years from the date of its nomination.

(4) The Appellate Tribunal shall have the power to make regulations consistent with the provisions of this Act with the previous sanction of the Government, for regulating its procedure and disposal of its business. The regulations so made shall be published in the Gazette.

(5) The remuneration and other conditions of service of the Appellate Tribunal shall be such as may be prescribed by rules.

56. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by any authority or person under this Act.

57. *Private colleges to comply with provisions of Chapter within six months.*—All private colleges existing in the University area immediately before the commencement of this Act and affiliated to the University shall within a period of six months from such commencement comply with the provisions of this Chapter.

58. *Colleges not complying with provisions of this Act.*—(1) If the Syndicate is satisfied that any private college has not complied with any provision contained in this Act or in the Statutes, Ordinances, Regulations, bye-laws, orders or rules, it may recommend to the Government for withholding or discontinuing aid or grant or it may disaffiliate the college from the University:

Provided that before disaffiliating a college, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

(2) If, on a recommendation under sub-section (1), the Government are satisfied that any private college has not complied with any of the provisions of this Act, or of the Statutes, Ordinances, Regulations, bye-laws, orders or rules, they may, by order, direct that the college shall not be given any aid or grant from the Government:

Provided that before making any such order, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

69. *Power of Government to cause inspection of University.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of any institutions maintained, recognised or approved by, or affiliated to, the University, and also of the work conducted by the University, and to cause inquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate.

(4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section (1), advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).

(6) A report under sub-section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.

(7) Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made, by the Senate or the Syndicate in the matter, issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions.

70. *Appointment of Commission to inquire into the working of University.*—(1) The Government may at any time and shall, at the expiration of ten years from the commencement of this Act and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a chairman and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on—

(i) the working of the University during the period to which the inquiry relates;

(ii) the financial position of the University including the financial position of its colleges and departments;

(iii) any change to be made in the provisions of this Act or the Statutes, Ordinances, rules and bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and

(iv) such other matters as may be referred to it by the Government,

and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2), the Government shall forthwith refer such report and recommendations to the Senate for consideration and report.

(4) Immediately after the Senate has considered the report and recommendations of the Commission and submitted its report to the Government, the Government shall consider the report of the Senate and pass such orders thereon as they think fit and shall also cause the same to be published in the Gazette.

71. *Power of Government to make rules.*—(1) The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Act, for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

72. *Conditions of service.*—(1) Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed by a written order.

(2) The written order referred to in sub-section (1) shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Any dispute between any officer or teacher of the University and the University shall, on the request of the University or the officer or teacher concerned, be referred to the Appellate Tribunal for decision, and thereupon, the provisions of section 65 and the regulations made by the Tribunal under the said section shall *mutatis mutandis* apply to the decision of such disputes.

73. *Pension, insurance and provident fund.*—With the previous approval of the Government, the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and provident fund and for such other benefits as it may deem fit, in such manner as may be prescribed by the Ordinances.

74. *Proceedings of the University and bodies not to be invalidated by vacancies.*—No act or proceeding of the Senate, the Syndicate, the Academic Council or other body constituted under this Act or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it, at the time any such act or proceeding is done or passed.

75. *Proceedings of the Senate, Syndicate and Academic Council.*—The Registrar shall forward to the Government within one month of the date of any meeting of the Senate or the Syndicate or the Academic Council copies of the proceedings of such meeting.

76. *Dispute as to constitution of University Authority or body.*—If any question arises regarding the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation, rules, bye-law or order or as to whether a person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter may be referred to the Chancellor and shall be so referred to him if not less than twenty-five members of the Senate so require, and the Chancellor shall, after taking such advice as he deems necessary, decide the question and such decision shall be final.

77. *Report on affiliated colleges.*—The Vice-Chancellor shall, at the end of every four years from the commencement of this Act, submit a report to the Government on the conditions of affiliated colleges.

78. *Protection of acts and orders.*—All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers shall be final; and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act, and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

79. *Institutions affiliated to University.*—(1) All colleges existing in the University area immediately before the commencement of this Act, shall stand affiliated to the University.

(2) The Government may, at any time, transfer to the University any institution subject to such terms and conditions as may be agreed upon between the Government and the University as regards its future maintenance

80. *Registered graduates.*—(1) All registered graduates of the Calicut University constituted under the Calicut University Act, 1968, shall be deemed to be registered graduates of the University constituted under this Act.

(2) All graduates of the University constituted under this Act and all graduates of any other University residing in the University area shall be entitled to be registered under the provisions of this Act as graduates of the University constituted under this Act.

81. *Transitory provisions.*— (1) Any officer or authority of the University of Calicut exercising any power or performing any duty under the Calicut University Act, 1968, immediately before the commencement of this Act, shall for a period of nine months from such commencement or until the corresponding officer or authority is appointed, elected, nominated or constituted, as the case may be, in accordance with the provisions of this Act or the Statutes or Ordinances made thereunder, whichever is later, continue to exercise such powers or perform such duties, as the case may be, so far as such powers or duties are not inconsistent with the provisions of this Act:

Provided that the Vice-Chancellor and Pro-Vice-Chancellor appointed under the Calicut University Act, 1968 and holding office immediately before the commencement of this Act shall be entitled to hold office for the full term of his appointment as if this Act had not been passed.

(2) The Statutes, Ordinances, Regulations, rules, bye-laws and orders in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force until they are replaced by the Statutes, Ordinances, Regulations, rules, bye-laws or orders framed under this Act.

(3) All properties, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held in trust by or for the University of Calicut constituted under the Calicut University Act, 1968 and all liabilities legally subsisting against the said University, shall pass to the University constituted under this Act.

82. *First Statutes and Ordinances.*—Notwithstanding anything contained in this Act the first Statutes and the first Ordinances of the University shall be made by the Government.

83. *Repeal and saving.*—(1) The Calicut University Ordinance, 1974 (15 of 1974), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance, shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

According to the provisions of section 50 of the Calicut University Act, 1968, the term of the various authorities of the University of Calicut was due to expire on 10th September, 1974. As a Bill to reorganise the University of Calicut was under consideration of the Legislative Assembly, steps for reconstituting the various authorities of the said University in accordance with the provisions of the Calicut University Act, 1968, were not taken. It was therefore considered that the Calicut University Bill, 1972, as modified by the Select Committee, be further modified on the lines of the Kerala University Bill, 1972 passed by the Assembly, with changes to suit the local requirements and the same enacted and brought into force before the expiry of the term of the authorities of the University of Calicut. As the Legislative Assembly of the State was not in session, this object was achieved by the promulgation of the Calicut University Ordinance, 1974 (13 of 1974). The Calicut University Bill, 1974, for replacing that Ordinance by an Act of the State Legislature was published as L. A. Bill No. 204. But that Bill could not be introduced and passed during the last session of the Legislative Assembly, and consequently Ordinance No. 13 of 1974 could not be replaced by an Act of the State Legislature. Under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the Ordinance would have ceased to operate on the 19th November, 1974. Therefore, in order to keep alive the provisions of Ordinance No. 13 of 1974, the Governor on the 18th November, 1974, promulgated the Calicut University Ordinance, 1974, (15 of 1974) containing the same provisions as in Ordinance No. 13 of 1974.

2. The Bill seeks to replace Ordinance No. 15 of 1974 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Clause 65 of the Bill provides for the constitution of an Appellate Tribunal consisting of a judicial officer not below the rank of a District Judge. The expenditure towards the payment of remuneration to the Tribunal, and other expenses connected with the functioning of the Tribunal will have to be met from the Consolidated Fund of the State. The expenditure involved on this account will be approximately Rs. 70,000 per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 71(1) of the Bill seeks to empower Government to make rules not inconsistent with the provisions of the Act for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by the Act. The rules relate mainly to the fixation of the remuneration and other conditions of service of the Appellate Tribunal under clause 65 of the Bill. The rules are subject to approval by the Legislature.

Clause 82 of the Bill seeks to empower the Government to frame the first Statutes and the first Ordinances of the University. The Statutes relate mainly to the powers and duties of the officers of the University, the constitution, powers and duties of the various authorities of the University, the conditions and procedure for affiliation of Colleges, etc. The Ordinances relate mainly to the levy of fees in colleges and other institutions by the University, work load and pattern of teaching staff in colleges, fixation of scales of pay of the various posts in the University and the terms and conditions of service of officers of the University, etc.

Under clause 65(4) of the Bill, it is proposed to empower the Appellate Tribunal to make regulations consistent with the provisions of the Act and with the previous sanction of Government for regulating its procedure and disposal of its business.

The matters in respect of which the Rules, Statutes, Ordinances and the Regulations may be made are of routine and administrative character. The delegation of legislative powers is thus of a normal character.

CHAKKEERI AHAMED KUTTY.

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Government of Kerala
1975

Reg. No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Home (SS) Department

ORDER

No. 59409/SS1/74/Home. *Dated, Trivandrum, 13th March 1975.*

S. R. O. No. 239/75.—Under Section 5 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974), the Government of Kerala hereby order that T. V. Hamza and K. Mohamed Kunhi detained under section 3 (1) of the said Act shall be removed to the Central Prison, Trivandrum from the Central Prison, Cannanore with immediate effect.

By order of the Governor,

S. Narayanaswamy,

Special Secretary to Government.

Explanatory Note

It is considered necessary to remove the detenus from the Central Prison, Cannanore to Central Prison, Trivandrum which is the place of detention notified in respect of the detenus detained under Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974. Hence this order.

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33/763/MC.